

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Figs. 21 and 22 have been amended to overcome the objection applied to the drawings. Support for the amendments to the drawings is provided in Figs. 10 and 16 and the specification on page 50, first paragraph. (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claim 8 has been amended to overcome the rejection under 35 USC 112, second paragraph.

Therefore, withdrawal of this rejection is respectfully requested.

Claims 1, 7, 10-14, and 18 stand rejected, under 35 USC §102(b), as being anticipated by Osaka et al. (JP 2000359012). Claim 8 stands rejected, under 35 USC §103(a), as being unpatentable over Osaka et al. (JP 2000359012) in view of Jensen et al. (US 6,017,197). Claims 2, 4-6, and 19-21 stand rejected, under 35 USC §103(a), as being unpatentable over Osaka et al. (JP 2000359012) in view of Arai (US 7,107,601). Claim 3 stands rejected, under 35 USC §103(a), as being unpatentable over Osaka et al. (JP 2000359012) in view of Yamaguchi et al. (US 6,359,364). Claim 9 stands rejected, under 35 USC §103(a), as being unpatentable over Osaka et al. (JP 2000359012) in view of Chintamani et al. (US 2001/0031208). Claim 15 stands rejected, under 35 USC §103(a), as being unpatentable over Osaka et al. (JP 2000359012) in view of Makoto (JP 2001-231485). Claims 16 and 17 stand rejected, under 35 USC §103(a), as

being unpatentable over Osaka et al. (JP 2000359012) in view of Akashi et al. (US 2005/0265863).

The Applicants respectfully traverse all of these rejections based on the points set forth below.

Claim 1 defines a hermetic compressor having a part of a suction muffler that is foam molded. Bubbles created by the foam molding process support increasing the acoustic dampening applied to the muffler and increasing its thermal insulation, which improves the efficiency of the compressor's refrigerant (see the instant original specification at page 11, lines 6-24).

The Office Action proposes that Osaka discloses (presumably in column 8, lines 45-50, of Osaka et al. US 7,381,032) a suction muffler whose casing 48 has a skin layer that is foam molded (see Office Action page 4, lines 1-2).

However, as acknowledged in the Office Action, Osaka discloses that the muffler's casing is made of a synthetic resin (see section 3, line 3). Osaka provides no disclosure that the synthetic resin is foam-molded.

A synthetic resin is typically and conventionally formed by way of injection molding wherein pellets of a synthetic and a resin are fed to an injection molding machine, as illustrated by the enclosed Exhibit A. On the other hand, when forming a foam-molded resin, a foaming agent, such as azodicarbonamide, is added to pellets of a synthetic resin, as illustrated by the enclosed Exhibit B (see also Applicants' Figs. 5A-5C), or a supercritical gas, such as nitrogen or carbon dioxide, is mixed with a molten synthetic resin under a supercritical state, as illustrated by the enclosed Exhibit C (see also Figs. 12A to 12C), when supplying the synthetic resin to an

injection molding machine. In manufacturing a foam-molded product, various adjustments of the melting time and the applied pressure as well as control of a core-back method are necessary to obtain a desired foaming state. Thus, a synthetic resin that is not foam-molded is distinguishable from a foam-molded synthetic resin.

A foam-molded resin includes bubbles within a formed part or layer and, thus, the structure and characteristics thereof are substantially different from those of normal synthetic resin molding without bubbles. When micro bubbles, having diameters of around 100 μm , are formed inside, as shown in Applicants' Fig. 3, the layer shows superior heat-insulation and noise attenuation characteristics that cannot be obtained by normal synthetic resins without bubbles.

In summary, as is apparent from the above explanation, Osaka cannot be considered to identically disclose the Applicants' claimed subject matter of a part of a suction muffler that is foam molded.

Accordingly, the Applicants submit that Osaka does not anticipate the subject matter defined by claim 1.

Independent claims 19-21 similarly recite the above-mentioned subject matter distinguishing apparatus claim 1 from Osaka, but with respect to methods. Arai is not cited in the Office Action for supplementing the teachings of Osaka with respect to this claimed subject matter. Therefore, the rejections applied to claims 2-6, 8, 9, and 15-17 are obviated, and allowance of claims 1 and 19-21 and all claims dependent therefrom is considered to be warranted.

With regard to the rejections applied to claims 16 and 17, the Applicants note the present application has a filing date of October 8, 2004, based on the International Stage PCT filing date

of the present national stage application and the provisions of 35 USC 363. Because Akashi has a U.S. filing date of July 15, 2005, Akashi is disqualified as a prior art reference against the present application. Therefore, withdrawal of the rejections applied to claims 16 and 17 is deemed to be warranted for this independent reason.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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EXHIBIT A

PELLETS OF
SYNTHETIC RESIN

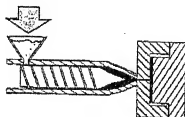


EXHIBIT B

PELLETS OF
SYNTHETIC RESIN
AND FOAMING
AGENT

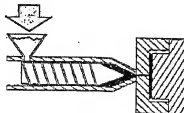


EXHIBIT C

PELLETS OF
SYNTHETIC RESIN
UNDER
SUPERCRITICAL
STATE

SUPERCRITICAL
GAS GENERATING
DEVICE

